

Kevin F. McCoy
Assistant Federal Defender
FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF ALASKA
601 West Fifth Avenue, Suite 800
Anchorage, Alaska 99501
(907) 646-3400

Attorney for Defendant

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCO A. RIVERA,

Defendant.

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

NO. 3:03-cr-00109-02-RRB

AFFIDAVIT OF COUNSEL

ss:

Kevin F. McCoy, being first duly sworn upon oath, deposes and says as follows:

1. I was the attorney originally appointed to represent Marco Rivera in this matter.

2. Mr. Rivera has been in custody since his arrest in this matter and he is currently incarcerated at F.C.I. McRae in McRae, Georgia.

3. His current release date is June 28, 2008, and Mr. Rivera has been in communication with the undersigned regarding the retroactive cocaine base amendment to the United States Sentencing Guidelines.

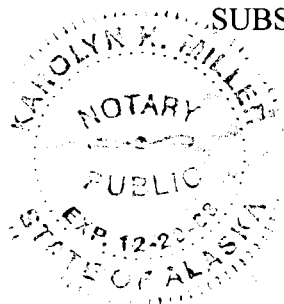
4. On information and belief, Mr. Rivera's financial circumstances have not materially changed since the date counsel was originally appointed.

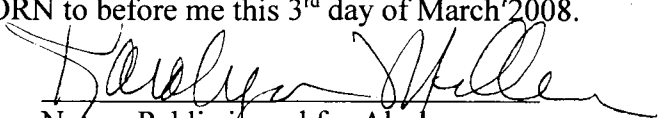
5. Accordingly, on behalf of Mr. Rivera, I am asking that the Federal Defender be appointed to represent Mr. Rivera in connection with the above-styled motion to reduce sentence.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

/s/Kevin F. McCoy
Assistant Federal Defender
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SUBSCRIBED AND SWORN to before me this 3rd day of March'2008.




Notary Public in and for Alaska
My Commission Expires: 12/20/2008

Certification:

I certify that on March 3, 2008,
a copy of the *Affidavit of Counsel*
was served electronically on:

Joseph Bottini
Assistant United States Attorney
U.S. Attorney's Office
222 West Seventh Avenue #9, Room 253
Anchorage, AK 99513-7567

/s/Kevin F. McCoy

United States v. Marco A. Rivera
Case No. 3:03-cr-00109-02-RRB